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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,420	03/11/2005	Chack Wah Chan	USP2904C-DRSZ	8592

7590 12/13/2006
Raymond Y Chan
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EXAMINER

VERAA, CHRISTOPHER

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/527,420

Applicant(s)

CHAN, CHACK WAH

Examiner

Christopher E. Veraa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The term “motion picture,” which is used in the title, abstract, specification and the claims of the application, is misleading as to the scope of the present invention. According to US practice, this term is used to refer to a “movie,” which is generally comprised of a sequence of images that are projected in rapid succession so as to create the illusion of movement. The present invention appears to only include a single image that shifts back and forth within a frame.
2. The disclosure is objected to because it contains numerous minor informalities. Some examples of errors are: page 1, line 13, “a display framework for replaceable motion picture” ; Page 1, line 20, “the bottom frame and the bottom of picture” ; Page 2, line 26, “a predetermined of protruded teeth” ; The specification should be revised carefully in order to correct typographical and grammatical errors.

Appropriate correction is required.

Claim Objections

3. Claims 1 and 5 are objected to for the following minor informalities: on line 12 of claim 1, "to providing a movement" contains a typographical error. On line 3 of claim 5, "a predetermined of protruded teeth" contains a typographical error.
4. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependant claim. See MPEP § 608.01(n). Accordingly, the claim will not be further treated on the merits.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "motion picture" in claim 1 is used by the claim to mean "a single

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picture that moves reciprocally within a frame”, while the accepted meaning is “a sequence of images that are projected onto a screen with sufficient rapidity to create the illusion of motion and continuity.” The term is indefinite because the specification does not clearly redefine the term.

The claims recite many non-positive limitations of the subject matter, using language such as “adapted to-” and “capable of-.” Such repeated use of this language renders the claims indefinite because it is unclear which limitations are actual structural elements of the claimed invention and which limitations are merely functional.

Claim 1 recites the limitation “said bottom picture frame” in line 12. There is insufficient antecedent basis for this limitation in the claim.

In claim 1, the term “standstill movement” is a contradictory term since “standstill” implies an absence of movement. The term is therefore indefinite.

Allowable Subject Matter

7. Claims 1-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bar-Yona (US-6226906) teaches a picture frame with a means for reciprocally moving a picture, driven by an electric motor and a gear assembly.

Liebman et al (US-2004/0231206) teaches a display with a motion actuator for reciprocally moving a picture.


Stenz (US-1026184) teaches a gear mechanism with a control gear that alternately engages forward and reverse direction gears to create reciprocal motion in pistons. Stenz does not make use of a bridging gear for obtaining motion in the reverse direction.

Walker et al (US-642650) teaches a crank-driven churn, where a gear alternately engages forward and reverse direction gears.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Veraa whose telephone number is 571-272-2329. The examiner can normally be reached on Monday through Friday, 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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SUPERVISORY PATENT EXAMINER
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